

CASE PROCESSING STANDARDS ANALYSIS CRIMINAL – DUI MISDEMEANOR CASES

National Center for State Courts Model Time Standards for Misdemeanor Cases:

75% within 60 days
90% within 90 days
98% within 180 days

Measurement: Filing of complaint through disposition (e.g., dismissal, sentencing)

Arizona Criminal – DUI Misdemeanor Cases Only

The Arizona Case Processing Standards Steering Committee recommends that Arizona continue to use the existing case processing standards as follows:

85% within 120 days
93% within 180 days

- ✓ Criminal misdemeanor cases are excluded.
- ✓ Criminal traffic cases are excluded.
- ✓ Criminal local ordinance cases are excluded.

Measurement: Filing of complaint through disposition (e.g., dismissal, acquittal or judgment and sentencing).

The following time will be excluded from measurement: warrant time, Rule 11 competency issues, diversion and special action/appeals.

Background: In the summer of 2005, Chief Justice McGregor established the DUI Case Processing Committee which conducted a detailed review of how courts throughout Arizona process DUI cases. The committee examined the entire Arizona criminal justice system as it relates to DUI cases and recommended specific improvements to court processes, rules, and statutes. One of these recommendations was to establish a pilot court program to implement the committee recommendations and determine which recommendations were effective in improving DUI case processing. After eleven courts successfully piloted the program, Phase II was implemented through Administrative Order 2007-94. By May 2008 all the Justice and Municipal Courts in Arizona were participating in the DUI Program and it is still in place today. The DUI misdemeanor case processing standard in Arizona exceeds the national standard for several reasons. First, there are substantial penalties involved, and a large number of these cases go to trial. Second, the discovery process is lengthy because of expert testimony and the required technical testing and re-testing of blood and breath by the crime labs. Third, the number of offenses for driving under the influence of prescription drugs has increased, and physician testimony must be included in the discovery process

Arizona Rules and Statutes	Timelines under Statute and Rule
Complaint Filed:	(Measurement Starts Here if Complaint has been filed)
Initial Appearance: Rule 4.1, Ariz.R.Crim.P. ¹	Initial Appearance held within 24 hours of arrest
Rule 4.2(b), Ariz.R.Crim.P.	<u>Initial Appearance and Arraignment:</u> At initial appearance defendant may be arraigned in the manner prescribed by Rule 14, if

* **Timelines or rules are different for superior court.**

¹ Arizona Rules of Criminal Procedure

Arizona Rules and Statutes	Timelines under Statute and Rule
Rule 14.1(e), Ariz.R.Crim.P.	<p>counsel is present or waived.</p> <p><u>Combined Proceedings:</u> When the first court appearance occurs after the filing of the complaint, the arraignment may be held in conjunction with the initial appearance before the magistrate, if the initial appearance is held in the trial court. If the initial appearance is not held in trial court, the defendant shall be ordered to appear for arraignment in the trial court within 10 days, and written notice of the arraignment date shall be delivered to defendant.</p>
<p>Arraignment: Rule 14.1(a), Ariz.R.Crim.P.</p> <p>Rule 14.1(c), Ariz.R.Crim.P.</p>	<p><u>Defendant in custody:</u> Arraignment shall be held within 10 days after filing of complaint.</p> <p><u>Defendant not in custody:</u> Arraignment shall be held within 30 days after filing of complaint.</p> <p><u>Exceptions:</u> An arraignment need not be held in cases where: The defendant's attorney has appeared and entered a plea of not guilty, or the court permits a defendant to enter a plea of not guilty by mail and receive a court date by mail.*</p>
<p>Pre-Trial Conference: Rule 16.5, Ariz.R.Crim.P.</p> <p>Rule 17.1, Ariz.R.Crim.P.</p> <p>Rule 17.1(a)(3), Ariz.R.Crim.P.</p> <p>Rule 17.1(a)(4), Ariz.R.Crim.P.</p>	<p>The purpose of the pretrial conference is to provide a forum for the fair and orderly disposition of cases without trial. If the case cannot be disposed without a trial the court may set a date certain for trial.</p> <p>A plea of guilty or no contest may be accepted by a court having jurisdiction to try the offense. Such plea shall be accepted only when made by the defendant personally, unless the defendant is a corporation, in which case the plea may be entered by counsel or a corporate officer.</p> <p><u>Telephonic Pleas:</u> The court may accept a telephonic plea of guilty or no contest. *</p> <p><u>Pleas by Mail:</u> The courts can accept pleas by mail to a misdemeanor or petty offense if the court is satisfied that a personal appearance by the defendant would constitute an undue hardship.*</p>
<p>Discovery: Rule 15.1 (c), Ariz.R.Crim.P.</p> <p>Rule 15.1(e), Ariz.R.Crim.P.</p> <p>Rule 15.2(d)(2), Ariz.R.Crim.P.</p> <p>Rule 10.1(a), Ariz.R.Crim.P.</p>	<p><u>Supplemental Disclosure:</u> of evidence by the prosecutor must occur at the first pre-trial conference.*</p> <p><u>Additional Disclosure Upon Request:</u> Prosecutor shall provide within 30 days upon written request.</p> <p><u>Time for Disclosure by Defendant:</u> 20 days after prosecutor's disclosure pursuant to Rule 15.1(b).*</p> <p><u>Change of Judge:</u> Prior to the commencement of a hearing or trial, the state or any defendant shall be entitled to a change of judge if a fair and impartial hearing or trial cannot be had by reason of the interest or prejudice of the assigned judge.</p>

Arizona Rules and Statutes	Timelines under Statute and Rule
Trial: Rule 8.2, Ariz.R.Crim.P. [Excluded time, such as a competency determination, are specified in Rule 8.4]	<p><u>Defendant in custody:</u> Within 150 days from arraignment</p> <p><u>Defendant not in custody:</u> Within 180 days from arraignment</p>
Sentencing: Rule 26.3(a), Ariz.R.Crim.P. Rule 26.3(b), Ariz.R.Crim.P.	<p>Sentence may be pronounced immediately upon determination of guilt unless the court on its own motion, or upon request of the party or victim, orders that sentence should be pronounced at a later date, not more than 30 days after determination of guilt.*</p> <p><u>Pre-Sentence Hearing:</u> If a pre-sentencing hearing is requested under Rule 26.7, or if good cause is shown, the trial court may reset the date of the sentencing within 60 days after determination of guilt. (Measurement Stops Here)</p>

* **Timelines or rules are different for superior court.**